

MEMORANDUM OF UNDERSTANDING

**Between the Lummi Nation and the Nooksack Indian
Tribe**

**TANF Service Area Boundaries Agreements
Client Services Agreements**

March 10, 2005

Lummi Nation-Nooksack Tribe 2004

Tribal TANF Service Area MOU

RECITALS

1. The Lummi Nation and the Nooksack Indian Tribe have a long history of working together to achieve mutually what they could not individually for the benefit of their respective memberships.
2. Both the Lummi Nation and the Nooksack Indian Tribe are involved in negotiations with the State of Washington Department of Social and Health Services (WA DSHS) and with the US Department of Health and Human Services, (US DHHS) Administration for Children and Families (ACF) to assume the funding and the operational responsibilities for the Temporary Assistance to Needy Families Program (TANF) services, functions and activities.
3. Under regulations developed by the DHHS-ACF services areas for Tribal TANF Programs are based on Tribal Services Areas designated by the Bureau of Indian Affairs.
4. When there are overlapping service areas designated by the Bureau of Indian Affairs then an agreement between the Tribes located within the overlapping services areas is required prior to either proceeding with negotiations to develop a Tribal TANF Program.
5. The Lummi Nation and the Nooksack Tribe have submitted letters and other communications with the State of Washington DSHS and US DHHS Region X staff that they intend to develop and operate TANF Programs for the benefit of their respective memberships and other eligible Indians within their identified service area.

Agreements

The Nooksack Indian Tribe and the Lummi Nation agree that their respective Tribal TANF Program Service Areas within Whatcom County are as described below:

1) On Reservation Service Area Boundary

The Lummi Nation and the Nooksack Indian Tribe agree that their respective reservations and traditional Nooksack Trust Lands within Whatcom County are their primary and exclusive TANF services areas. This includes all enrolled members and all other eligible Indians residing in these areas.

2) Off Reservation/Trust Land Service Area Boundary

a) Lummi Nation

The off-reservation service area for the Lummi Nation shall include all persons living west of the boundary line. The boundary shall begin along the Guide Meridian Road from the Canadian Border to the intersection of the Guide Meridian and Inter State

Highway 5 within the City of Bellingham. The boundary shall continue following Inter State Highway 5 south to the border of Whatcom County.

b) Nooksack Indian Tribe

The off reservation service area for the Nooksack Tribe shall be the area located to the east of the Guide Meridian from the Canadian Border south to the intersection of the Guide Meridian and Inter State Highway 5 and follow I5 to the border with Skagit County.

3) Clients Transfer Agreement

Both the Nooksack and the Lummi Nation agree to service all eligible Indians who reside within their respective services areas identified herein.

a) The Lummi Nation and the Nooksack Indian Tribe agree that all persons enrolled, or eligible to enroll or traditionally identified as a member of the Nooksack Tribe or the Lummi Nation, regardless of where they live in Whatcom County, will be served by the Tribe in which they are enrolled, eligible for enrollment, or traditionally identified as a member.

b) Those Nooksack and Lummi Nation members who wish to be served by the other Tribe due to their location maybe served by the other Tribe in the same manner that their members are served. Applicants who wish to be served by the other Tribe will follow the steps below. Decisions and notifications should be completed and transmitted to all parties within 10 days of the receipt of a valid request.

- i) Only the individual applicant may initiate this option by submitting a written request to the designated official of both Tribes.
- ii) This option maybe approved by the formal written agreement of the Tribe, described in a written statement to the other Tribe and the client involved.
- iii) Either Tribe may opt to disapprove the participation of the non-member by transmitting written notification of their decision to the designated official of the other Tribe and to the client involved.

4) Transferred Client Financial Agreement

If there is agreement to transfer client(s) to the other tribe, each Tribe agrees to remit to each other the amount of funding that would have been provided by the State of Washington and the Federal government of the individual to the other tribe. This does not require either of the Tribes to remit any non-TANF funding to other.

5) Share Client Agreement

If there is a benefit to a client for the Tribes to share service provision for a client or a group of clients, a detailed plan, including costs may be developed and approved by the designated officials of both Tribes. In no case shall a client sharing agreement be developed or approved that results in a client exceeding the allowable benefit amount.

6) Regular and Substantive Consultation

The Lummi Nation and the Nooksack Tribe's respective program staff members will meet regularly throughout each year that the program is in operation to identified Tribal members who are interested in services by the Other Tribe

7) Designated Officials

Both the Lummi Nation and the Nooksack Tribe will identify their Tribal Designated tribal Official for the purposes of monitoring and managing this memorandum of understanding. These Designated Officials will be identified by certified mail from each Tribe to the other at their official mailing addresses.

8) Effective Date

This memorandum of understanding shall become effective at the time of signing and shall be implemented on the date that it is ratified by the respective Tribal Councils by formal Council Resolutions.

In witness of the foregoing we the undersigned do hereby affix our signatures, signifying our agreement

For the Nooksack tribe


Narcisco Cunanan, Chairman

For the Lummi Nation


Darrell Hillaire, Chairman



LUMMI INDIAN BUSINESS COUNCIL

2616 KWINA ROAD • BELLINGHAM, WASHINGTON 98226 • (360) 384-1489

RESOLUTION #2005-050 OF THE LUMMI INDIAN BUSINESS COUNCIL

Title: FY 2005 Lummi Nation – Nooksack Tribe TANF Service Area Agreement

WHEREAS, the Lummi Indian Business Council is the duly constituted governing body of the Lummi Indian Reservation by the authority of the Constitution and by-laws of the Lummi Nation of the Lummi Reservation, Washington, as amended; and

WHEREAS, the Lummi Indian Business Council is responsible for advancing the health, safety and well being and education goals for the people of the Lummi Nation; and

WHEREAS, the Lummi Nation has entered into many programmatic agreements with the Nooksack Tribe to divide Whatcom County into Tribal specific service areas for the benefit of their respective service populations; and

WHEREAS, the Service Area Agreement includes provisions for the following:

- (a) Lummi Nation members will be served through the Lummi Nation regardless of where they live in Whatcom County
- (b) Lummi Nation and Nooksack Tribe may negotiate for the transition of clients and State and Federal funding, living in the others service area to the other Tribe on a case by case basis
- (c) The primary value of the Service Area Agreement is the allocation of eligible Indian who are not members of either the Lummi Nation or the Nooksack Tribe ion of a funding agreement which identified the programs, services function and activities and funds which are to be assumed by the Lummi Nation; and

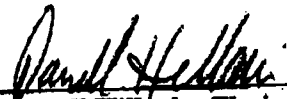
WHEREAS, the draft Service Area Agreement was reviewed by the Lummi Nation Assistant General Manager, Lummi Nation Employment and Training Center Director and the WIA Program Director and initially approved; and

WHEREAS, the final negotiation and acceptance of this agreement is a responsibility of the Tribal Council on behalf of the Lummi Nation.

NOW THEREFORE BE IT RESOLVED, that the Lummi Indian Business Council hereby approves the attached Service Area Agreement with the Nooksack Tribe for the TANF Program as authorized by the Personal Responsibility Act of 1996 States of America through the Department of Health and Human Services and the State of Washington Department of Social and Health Services through the Medical Assistance Administration; and

BE IT FINALLY RESOLVED, that the chairman(or Vice Chairman in the absence of the Chairman) is hereby authorized and directed to execute this resolution and nay documents connected therewith, and the Secretary (or Recording Secretary in the absence of the Secretary) is authorized and directed to execute the following certification

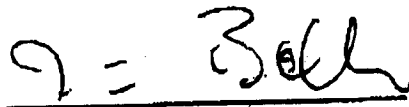
LUMMI NATION



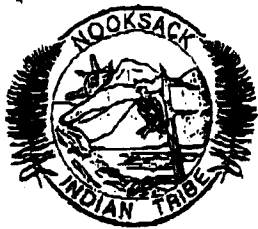
Darrell Hillarie, Chairman
Lummi Indian Business Council

CERTIFICATION

As Secretary of the Lummi Indian Business Council, I hereby certify that the above resolution **2005-050** was adopted at a **Regular** meeting of the Council held on the **7th** day of **March**, 2005 at which time a quorum of **10** was present, and was adopted by a vote of **8 FOR, 1 AGAINST, and 0 ABSTENTION(S)**.



Timothy Ballew Sr., Secretary
Lummi Indian Business Council



NOOKSACK INDIAN TRIBE

5048 Mt. Baker Hwy • P.O. Box 157 • Deming, WA 98244
Administration: (360) 592-5176 • Fax: (360) 592-2125

Resolution No. 05-18

Title: MEMORANDUM OF UNDERSTANDING WITH THE LUMMI NATION FOR TANF SERVICE AREAS

WHEREAS, the Nooksack Tribal Council is the duly elected governing body of the Nooksack Indian Tribe of Deming, Washington, as approved on September 23, 1973 by the Deputy Assistant Secretary of Indian Affairs; and

WHEREAS the Nooksack Tribal Council is charged with the responsibility for the protection of the health, safety, welfare and economic development of the Nooksack Tribe; and

WHEREAS the Nooksack Indian Tribe has developed a TANF (Temporary Aid to Needy Families) Plan with the Federal Government and the State of Washington; and

WHEREAS The Nooksack Indian Tribe and the Lummi Nation share Whatcom County as a Service Area, and

WHEREAS a Memorandum of Understanding (MOU) needs to be entered into with the Lummi Nation defining the Service Area.

NOW, THEREFORE, BE IT RESOLVED, the Nooksack Tribal Council approves the MOU for TANF Service Area with the Lummi Nation.

CERTIFICATION

I hereby certify that the above resolution was presented at a regular/special meeting of the Nooksack Tribal Council held on March 8, 2005, at which time a quorum was present and approved by a vote of:

5 FOR

0 AGAINST

0 ABSTENTIONS


Narcisco Cunanan, Tribal Chairman


Agripina Smith, Tribal Secretary